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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAILU, TESHOME

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2139

MAIL DATE

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10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,104	Applicant(s) KAMPERMAN ET AL.	
	Examiner TESHOME HAILU	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11 and 23-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-11 and 23-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on June 26, 2008. Claims 1-2 and 4-11 have been amended.
2. Claims 3 and 12-22 have been canceled.
3. Claims 23-45 have been added.
4. Claims 1-2, 4-11 and 23-45 are pending.

Response to Amendment

5. Applicant's arguments filed on May 08, 2008, with respect to the objection of specification have been fully considered in view of the amendment and are persuasive. The objection of specification has been withdrawn.
6. Applicant's arguments filed May 08, 2008, with respect to the first non-final office action have been fully considered but they are not persuasive.
7. Applicant argues that Messerges (US Pub. No. 2004/0103312) fails to teach the claim limitation, "measuring a distance between the first authorized device and the second authorized device, and allowing, by means of exercising the subright, the second authorized device access to the associated content if the distance between the first authorized device and the second authorized device is smaller than a maximum access distance". Examiner disagrees.
8. Examiner would point out that Messerges (US Pub. No. 2004/0103312) teaches this limitation as, (Page 1, paragraph 11, Short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances). According to Messerges (US Pub. No. 2004/0103312), the DRM is

Art Unit: 2139

distributed to the devices in the same domain. The distribution is depend on the distance of the receiving device (i.e. how far is the device located form the distributing device). Therefore, the DRM distributing device must know the distance of the receiving device and decide if the receiving device is inside the domain or not.

9. Applicant argues that Leung (US 7,010,808) fails to teach the claim limitation, "deriving and distributing a subright from a master right to the second device, and revoking the subright at the second device when the master right exits the network". Examiner disagrees.

10. Examiner would point out that, Leung teaches this limitation as (Column 3, line 54-59, the portable (second) device connected to the computer (first device) for the purposes of downloading content and a corresponding sub-license (subrights)). As discussed in the first office action, if the transferring (first) device logoff, it is inherently clear that the device revokes transferring the sub-license.

11. Applicant argues that Leung (US 7,010,808) fails to teach the claim limitation, "deriving a subright from a master right at the first device, wherein control of the type of access that the second authorized device is given to the associated content by the subright are set by the first authorized device". Examiner disagrees.

12. Examiner would point out that, Leung disclosed this limitation as (column 34, line 35-44, As may be appreciated, the sub-license 16s as issued by the computer 60 specifies the limitations, if any, that must be satisfied to render the corresponding content 12 on the portable device. Of course, the computer 60 may issue such sub-license 16s only if permitted according to the terms of the corresponding license 16 as obtained by the computer 60 from an appropriate license server 24. As will be explained below, the computer 60 re-writes at least a portion of the license 16 when issuing the sub-license 16s to be in a form more amenable to the portable device 62). Further Leung teaches, (column 35, line 55-63, a licensor may decide for any of a variety of

Art Unit: 2139

reasons not to allow rendering of its content 12 on a portable device 62, and therefore prohibit by the terms of a corresponding license 16 issuance of a corresponding sub-license 16s for such portable device 62. Likewise, such licensor may allow issuance of the corresponding sub-license 16s, but only for certain portable devices 62. Such licensor may for example specify such sub-license issuance rules in the license 16 to specify the rules of the derived license).

13. Applicant argues that Leung (US 7,010,808) fails to teach the claim limitation, "contacting the first authorized device after receiving the subright and before exercising the subright by the second authorized device". Examiner disagrees.

14. Examiner would point out that the specification the invention mention only the second authorized device contact the first authorized device before exercising the subright. The specification fails to mention "after receiving the subright". Therefore, Leung teach this limitation (before exercising the subright) in fig. 13.

15. Applicant argues that the first office action filed by the examiner fails to provide a basis for rejection claim 10. However, the rejection of claim 10 has been addressed in page 4 of the first office action.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 11 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2139

art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to mention or teach the claim limitation "contacting the first authorized device after receiving the subright. According to the specification (paragraph 21), the second authorized device contact the first device before exercising the subright. The specification does not mention that the second authorized device contact the first device after receiving the subright.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1-2, 4, 8-11 and 23-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (Leung) (US 7,010,808) in view of Messerges (US Pub. No. 2004/0103312).

As per claim 1 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Measuring a distance between the first authorized device and the second authorized device, and allowing, by means of exercising the subright, the second authorized device access to the associated content if the distance between the first authorized device and the second authorized device is smaller than a maximum access distance. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of measuring the distance between the first and second authorized device. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0103312) teaches this limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of measuring the distance between the first and second authorized device using the teaching of Messerges in order to secure the information by enforcing a short-range communication channel in a domain rather than long-range communication (see page 1, paragraph 11).

Claims 29, 31 and 36 are rejected under the same reason set forth in rejection of claim 1:

As per claim 2 Leung in view of Messerges discloses:

The method of claim 1, wherein the predetermined distribution criterion is that the distance between the first authorized device and the second authorized device shall be smaller than a maximum distribution distance. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of measuring the distance between the first and second authorized device. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0103312) teaches this limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of measuring the distance between the first and second authorized device using the teaching of Messerges in order to secure the information by enforcing a short-range communication channel in a domain rather than long-range communication (see page 1, paragraph 11).

As per claim 4 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Revoking the subright at the second device when the master right exit the network. (Column 3, line 54-59, wherein a portable device connect to a computer for purposes of downloading content and a corresponding sub-license in accordance with the invention). If the transferring device log off from this connection, it is inherently clear that the device revoke transferring the sub license.

Claims 26, 27 and 28 are rejected under the same reason set forth in rejection of claim 4:

As per claim 8 Leung in view of Messerges discloses:

The method of claim 1, wherein the control of the type of access that a second authorized device is given to the associated content by a subright and the predetermined distribution criteria associated with the master right, are set by a service provider. (Column 34, line 38-44, the computer may issue such sub-license only if permitted according to the terms of the corresponding license as obtained by the computer from an appropriate license server).

As per claim 9 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the

Art Unit: 2139

digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Wherein the control of the type of access that the second authorized device is given to the associated content by the subright is set by the first authorized device. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claim 10 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license

corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Wherein a content quality parameter is set in the subright, which parameter decides the quality with which the associated content can be rendered by the second authorized device. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

Claims 44 and 45 are rejected under the same reason set forth in rejection of claim 10:

As per claim 11 Leung discloses:

A method for performing digital right management in a network, the method comprising storing in a first authorized device, a master right associated with a content, which master right controls what type of access the first authorized device has to the associated content; (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Further Leung discloses about storing a master right as, (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorized device is given to the associated content; distributing the subright to the second authorized device, given that the second device complies with a predetermined distribution criterion associated with the master right; (column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Contacting the first authorized device after receiving the subright and before exercising the subright by the second authorized device. (See the connection between the computer and portable device in fig. 13).

Claims 30, 37, 38, 39, 40 and 41 are rejected under the same reason set forth in rejection of claim 11:

As per claim 23 Leung in view of Messerges discloses:

The method of claim 11, including verifying the master right before exercising the subright by the second authorized device. (Column 26, line 55-60, a changed public root key (PU-R) may potentially interfere with signature validation for an older license 16 issued based on an older private root key (PR-R), such interference may be minimized by requiring that an upgraded black box 30 remember all old public root keys (PU-R). Alternatively, such interference may be minimized by requiring signature verification for a license 16 only once, for example the first time such license 16 is evaluated by the license evaluator 36 of a DRM system 18. In such case, state information on whether signature verification has taken place should be compiled, and such state information should be stored in the state store 40 of the DRM system 18).

Claims 35, 42 and 43 are rejected under the same reason set forth in rejection of claim 23:

As per claim 24 Leung in view of Messerges discloses:

The method of claim 11, including contacting the first authorized device before each exercising of the subright by the second authorized device. (See the connection between the computer and portable device in fig. 13).

As per claim 25 Leung in view of Messerges discloses:

The method of claim 24, including verifying that the first authorized device is within a given range of the second authorized device. (Column 26, line 55-60, a changed public root key (PU-R) may potentially interfere with signature validation for an older license 16 issued based on an older private root key (PR-R), such interference may be minimized by requiring that an

Art Unit: 2139

upgraded black box 30 remember all old public root keys (PU-R). Alternatively, such interference may be minimized by requiring signature verification for a license 16 only once, for example the first time such license 16 is evaluated by the license evaluator 36 of a DRM system 18. In such case, state information on whether signature verification has taken place should be compiled, and such state information should be stored in the state store 40 of the DRM system 18).

As per claim 32 Leung in view of Messerges discloses:

The device of claim 31, wherein the maximum distribution distance is included in the distribution right. (Column 1, line 20-25, the present invention relates to such an enforcement architecture that allows access to encrypted digital content only in accordance with parameters specified by license rights acquired by a user of the digital content).

As per claim 33 Leung in view of Messerges discloses:

The device of claim 31, wherein the subright grantable to the second device is defined by a provider of the master right. (Abstract, line 3-7, a sub-license corresponding to and based on the obtained license is composed and transferred to the device, and the content is rendered on the device only in accordance with the terms of the sub-license).

Claim34 is rejected under the same reason set forth in rejection of claim 33:

20. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al (Leung) (US 7,010,808) in view of Messerges (US Pub. No. 2004/0103312) and further in view of Messerges (US Pub. No. 2004/0088541).

As per claim 5 Leung in view of Messerges (2004/0103312) and further in view of Messerges (2004/0088541) discloses:

The method of claim 4, wherein the first authorized device and the second authorized device are included in an authorized domain, and the size of the authorized domain is managed

by the master right. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of having size of authorized domain. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0088541) teaches this limitation as, (page 5, paragraph 47, user equipment 701, 702, 703 are also part of a domain of devices 700, which may contain a limited number of devices).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of having size of domain using the teaching of Messerges in order to limit the number of devices in the domain and secure the transfer of information within the domain.

As per claim 6 Leung in view of Messerges (2004/0103312) and further in view of Messerges (2004/0088541) discloses:

The method of claim 5, wherein the first authorized device manages the authorized domain. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claim 7 Leung in view of Messerges (2004/0103312) and further in view of Messerges (2004/0088541) discloses:

The method of claim 5, wherein the predetermined distribution criterion is that the number of authorized devices or persons which are allowed in authorized domain shall be smaller than a maximum domain participant number. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung fails to teach the method of having size of authorized domain. However, in the same field of endeavor, Messerges (US Pub. No. 2004/0088541) teaches this limitation as, (page

Art Unit: 2139

5, paragraph 47, user equipment 701, 702, 703 are also part of a domain of devices 700, which may contain a limited number of devices).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the method of having size of domain using the teaching of Messerges in order to limit the number of devices in the domain and secure the transfer of information within the domain.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TESHOME HAILU whose telephone number is (571)270-3159. The examiner can normally be reached on Mon-Fri 7:30a.m. to 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2139

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teshome Hailu
September 23, 2008

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit
2139